

August 6, 2003 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

03AN0317

Robert Edward Cruickshanks

Midlothian Magisterial District
8660 Forest Hill Avenue

REQUEST: A two (2) foot Variance to the four (4) foot height requirement for a fence in the corner side yard.

RECOMMENDATION

Recommend denial of this request for the following reasons:

- A. There is an alternative to this request.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

Property is known as 8660 Forest Hill Avenue. Tax ID 755-719-9338 (Sheet 3).

Existing Zoning:

R-15

Size:

0.6 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-15; Residential
South - R-15; Residential
East - R-15; Residential
West - C-3 and R-15; Office, semi-public (church) and Residential

Utilities:

Public water and sewer

General Plan:

(Bon Air Plan)

Low density residential

DISCUSSION

The applicant has indicated there is a six (6) foot fence in the corner side yard. The Zoning Ordinance limits fence heights to four (4) feet in the corner side yard. Therefore, the applicant requests a two (2) foot Variance (see attached site plan).

The applicant provides the following justification in support of this request:

I would like to continue the use and enjoyment of an eighteen (18) year (or older) fence with a non-conforming fence height of six (6) feet on a corner rear lot where R-15 zoning exists.

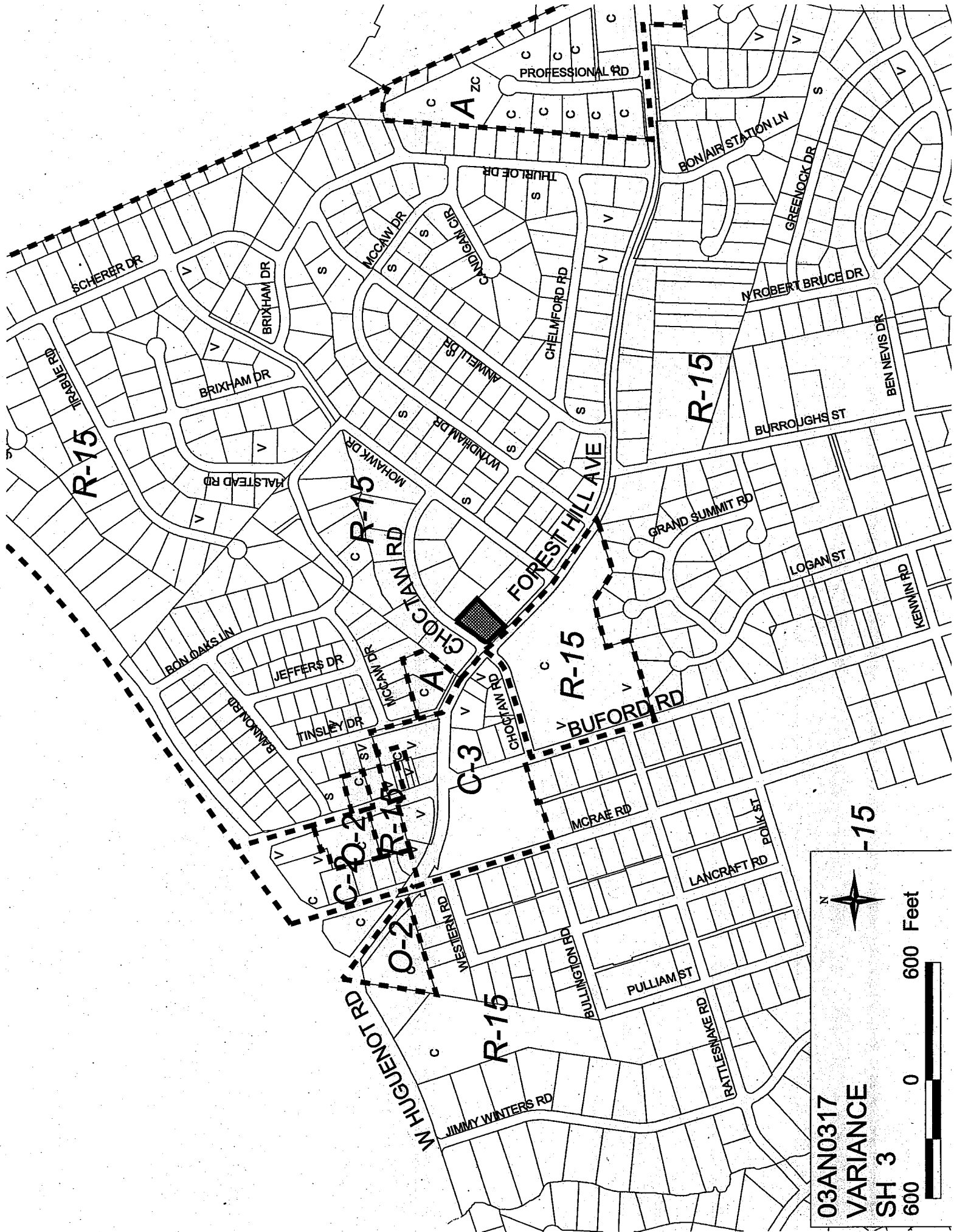
On April 7, 2003, Planning Department staff visited the site in response to a complaint. Staff's inspection revealed that the applicant was in violation of the Zoning Ordinance by having a six (6) foot tall fence in the corner side yard. This request is in response to staff's investigation.

As required by the Zoning Ordinance, the property owners have provided no information which would serve as a basis for granting this Variance. Staff finds no physical surroundings, shape or topographical conditions on the property which would present a particular hardship to the owners if this Variance were denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

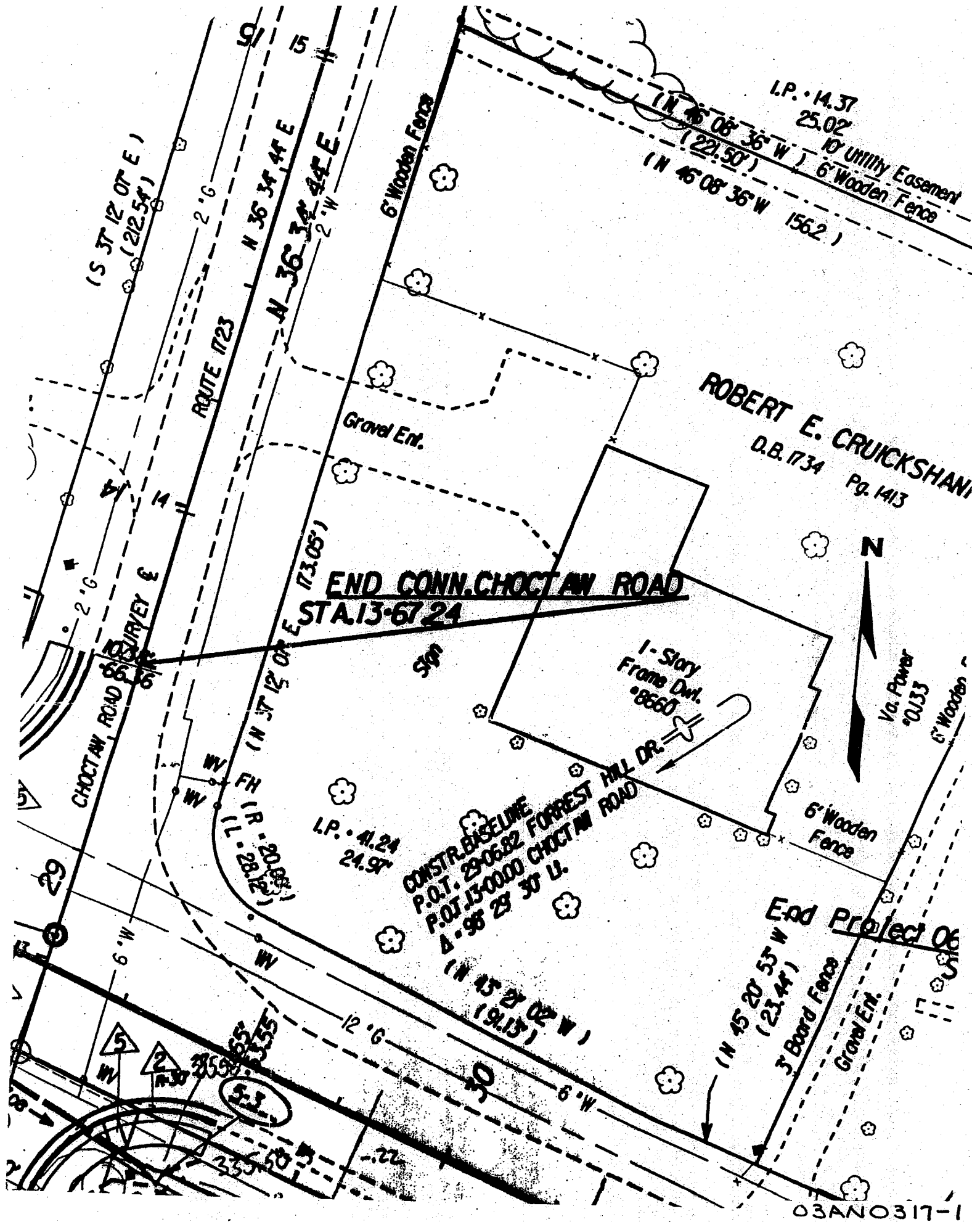
Staff believes that an alternative to this request exists. If the property owners were to reduce the fence height two (2) feet, as other property owners in the area have been required to do, the need for this request could be eliminated.

The property owners have failed to provide any information, as required by the Zoning Ordinance, which would serve as a basis for the granting of this Variance. Staff believes that this request does not meet the test for Variances as specified in Section 19-21.(b) of the Chesterfield Zoning Ordinance.

Because an alternative exists and because the property owner has not provided evidence of a unique hardship, staff does not support this request.



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